

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

AMERICAN ATHEISTS, INC., et al.,)	
)	Case No. 2:05CV994 DS
Plaintiffs,)	
vs.)	ORDER GRANTING UHPA'S
COLONEL SCOTT T. DUNCAN, et al.,)	MOTION TO STRIKE
)	STIPULATED FACTS
)	(Doc. #84)
Defendants.)	
UTAH HIGHWAY PATROL)	
ASSOCIATION,)	
Intervenor-Defendant.)	

This matter came before the court on motion of UHPA to strike stipulated facts (Doc. # 84). The court has reviewed the parties' briefs and finds the motion has merit. The court finds the "Stipulated Facts" were submitted to the court without any notice to, or participation by, the UHPA which is a full participant in the litigation before the court. Furthermore, the court finds UHPA's interests are directly affected by the "Stipulated Facts" as indicated by plaintiffs' reliance on reference to those facts in their dispositive motions. See Response in Opposition to Defendant-Intervener UHPA's Motion to Strike Stipulated Facts (Doc. 174) at 3.

The court is not persuaded that UHPA's motion is untimely. The court agrees with UHPA that when the Stipulated Facts were originally filed they appeared in the docketed without reference

or relation to any pending motion. Such was a typical practice of plaintiffs during the early briefing in this case (a practice the court has since restrained). Furthermore, the court's order which imposed the ban on filing new motions while discovery was being conducted had an unusual effect on several motions and briefs filed to date. When new motions were allowed to be filed (June 30, 2007 according to the court's order) UHPA filed the motion to strike.

Accordingly, with good cause, the court finds that both judicial economy and the convenience of *all* parties will be best served by striking the Stipulated Facts to which UHPA was not a party. If a telephone conference is required to address the impact of this order on pending motions for summary judgment, counsel are instructed to contact the court and make appropriate arrangements.

SO ORDERED.

DATED this 16th day of August, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam", written over a horizontal line.

DAVID SAM
SENIOR JUDGE
U.S. DISTRICT COURT